

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Susumu Takatsuka  
Serial No.: 09/919,356  
Filed: July 31, 2001  
Title: COMMUNICATION SYSTEM, COMPUTER PROGRAM...  
Examiner: John B. Walsh  
Group Art Unit: 2151  
Confirmation No.: 2523  
Attorney Docket No.: 100809-00083 (SCEI 18.798)

March 17, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF CONFERENCE REQUEST**

SIR:

Submitted herewith is a Notice of Appeal, however, prior to filing of the Appeal Brief, Applicants request review and reconsideration of the instant claims at a pre-appeal conference.

**REMARKS**

Applicants request review of the final rejection of December 31, 2007, prior to the filing of their Appeal Brief. Claims 24-28 are pending in the instant application.

In the office action, claims 24-28 are rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,810,528 to Chatani et al. (hereinafter referred to as Chatani).

Applicants respectfully traverse.

The present invention, as recited for example in claim 24, includes the processing and display of a performance on a terminal without the need to broadcast the entire program over a network. To enable the creation of the program without the need for transmitting the entire program over the network claim 24 recites a performance information file. A performance information file, as recited in the claims, includes two separate types of data. The first is sequence information that "constitutes a performance," and the second is flag information that "defines movements or expressions of characters that appear in the sequence information."

Separately, a computer program execution device stores a third type of data and these are called "movement data files." These movement data files have a correlation to the flag information part of the performance information file.

To display the performance, the performance information file, not the entire performance (that is the performance information file does not include any movement data), is sent from the server to the computer program execution device. At the computer program execution device a means for composing the performance selects from the movement data that is stored thereon, those portions of the movement data which correspond to the flag information that was received as part of the performance information file. These selected portions of the movement data are then put into the proper order to form the performance using the sequence information that was

also included in the performance information file. The performance, so composed with the selected movement data and placed in the proper order is then displayed on the display means.

It is submitted that the relied upon portions of Chatani do not teach such features, particularly the use of three separate types of data or information namely the performance information file comprised of the flag information and sequence information, and the movement data files that are resident on the computer program execution device.

As has been argued previously, each type of data recited in the claims is not identical to every other type of data, indeed, movement data, flag information, and sequence information are each defined in the specification and claims and those definitions clearly distinguish these three types of data from the data described in Chatani.

As best understood, the relied upon portions of Chatani relates to on-line gaming wherein a user's operations are transmitted to a server, the server processes the information and then game information is returned to the user. That is, in one embodiment, the server transmits a completed game update to the users' display and there is no processing performed by the game console 60. (See col 9, lines 15-47). Alternatively, there is also taught in the Chatani local operation in a non-networked application. (See col. 8, lines 55-65). Clearly both of these applications are not what is recited in the instant claims.

Finally, there is what is called "Networked Operation with Local Audio/Visual Control. (col. 8, lines 66-col. 9, line 15). But this limited disclosure does not include any reference to what types of data are transmitted from the server to the game console. The relied upon passage merely states the following:

In this case, although respective server and console side program components are executed in consort, with data sharing taking place across the bi-directional CATV network 40, upon execution of the console-side program component loaded into the main memory

114, sound and graphics controls are still processed by the image processor 120, IPU 138 and/or SPU 171, respectively, in accordance with user input from the game controller or input device 132 and/or updated status information received from the game server 10 through signal band a, and such audio and video outputs are sent to the display monitor 80.

Nothing here states that the game consol receives a performance information file from the server, particularly one that includes both flag information and sequence information, and that these two types of data are used by movement data resident on the game console to compose a performance to be viewed on the display.

Separately, the office action alleges that Chatani at col. 5, lines 39-40 teaches a performance information file. But this portion of the reference merely states that:

For example, through the communications interface 140, user input data may be transmitted to, and status data received from, a server terminal 10 (see FIG. 2).

Again, there is nothing in the reference to suggest that "status data" is the same thing as a performance information file, let alone one comprised of sequence information and flag information.

As best understood, the office action attempts to allege movement data is found in the reference at col. 5, lines 16-18. But once again nothing in this passage teaches that the "moving images and texture images" described therein correspond to flag data as movement data is defined in the instant claims.

Thus as shown above, the relied upon portions of Chatani do not teach a system as recited in the instant claims utilizing a performance information file comprised of flag information and sequence information, particularly one that is sent from a server to a computer for further use in creating a performance. Nor does Chatani teach the utilization of a performance information file

to compose and sequence movement data stored a computer to create a performance where the flag data identifies which of the movement data stored locally on the computer is to be used in the performance and the sequence data is used to order the movement data.

Accordingly, it is submitted that independent claims 24, 25, and 28 patentably distinguish over the relied upon portions of Chatani and are allowable. Claims 26 and 27 which depend from one of these base claims is allowable therewith.

**Conclusion**

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)											
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	09/919,356	July 31, 2001											
	First Named Inventor												
	Susumu Takatsuka												
	Art Unit	Examiner											
	2151	John B. Walsh											
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td>/Nathan Weber/ </td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>Signature Nathan Weber</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number 50-1290</td><td>Typed or printed name (212)940-8800</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td>Telephone number 3/17/08</td></tr><tr><td></td><td>Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	/Nathan Weber/ 	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature Nathan Weber	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 50-1290	Typed or printed name (212)940-8800	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Telephone number 3/17/08		Date
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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